

the demand, and desire a jury to be empannelled to ascertain the sum of money really due and payable, the court shall direct a jury to be immediately empannelled and charged to try and ascertain an issue, whether the said sheriff or collector be chargeable with and liable to pay any and what sum or sums of money or tobacco to the person or persons so claiming and authorized to receive the same; and the court are hereby empowered and required, upon such verdict of the jury, to pass judgment against the said sheriff or collector, upon which there shall be no writ of error, supersedeas, injunction or appeal, and to award execution thereon as upon all other cases of judgment had in the said courts.

And against any deputy, &c. SEC. 2. *And be it enacted*, That if any deputy sheriff or deputy collector, intrusted by his principal to levy and collect any sum or sums of money or tobacco due from the inhabitants of any district or hundred in which such deputy shall be appointed to serve, shall neglect or refuse to render and settle his accounts with his principal when thereto lawfully required, according to the terms of the contract subsisting between them, it shall and may be lawful to and for the respective county courts, and they are hereby authorized and required, upon motion made to them in behalf of the principal sheriff or collector to whom such deputy sheriff or deputy collector shall respectively be indebted, and on producing to such court a stated account of his demand, supported by satisfactory proof, to order a judgment to be entered, and an immediate execution to be awarded thereon against the person or property of such deputy sheriff or deputy collector, to levy and compel the payment of such sum or sums of money or tobacco as shall appear to be due and payable; provided, that a copy of such account, and twenty days notice of such intended application, be delivered in writing to such deputy sheriff or deputy collector, as herein before directed; and provided also, that in case of controversy, and the demand of a trial thereof by jury, such proceedings shall be had as are herein before provided, for the trial thereof, at the same term, and judgment shall be rendered on the verdict, and an execution awarded as aforesaid; and no writ of error, supersedeas, injunction or appeal, shall be allowed; and provided also, that nothing herein contained shall be construed or deemed to deprive the parties of their proper remedy upon their contract, if they shall choose to proceed at law or equity upon the same.

CHAPTER 69.

1796, ch. 43. A SUPPLEMENT to the ACT for the better administration of Justice in the several counties of this state.

Repealed by 1801, ch. 74.